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*Retrenchment of staff due to abolition of food control.*

* 281 *Q.*—Sri N. K. PALANISAMY : Will the Hon. the Minister for Agriculture be pleased to state the number of Government servants discharged from service by reason of decontrol of food in this State in 1954?

The Hon. Sri M. BHAKTAVATSALAM :—" The attention of the hon. Member is invited to the answer furnished to clause (*a*) of question No. 280 by Sri M. Narayana Kurup, M.L.A., on the same subject."

*Stopping of Madras-Mangalore and Mangalore-Madras Express trains at Pattambi.*

* 282 *Q.*—Sri K. KUNHI MOHAMMED SHAFEE : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) whether any memorandum was received by the Government from the public of Pattambi, Malabar district, requesting the Government to represent to the Union Government to stop Nos. 513 and 514, Madras-Mangalore and Mangalore-Madras Express trains at Pattambi Railway Station ; and

(*b*) if so, what action the Government have taken in the matter?

The Hon. Sri M. BHAKTAVATSALAM :—" (*a*) & (*b*) A memorandum on the subject was received from the President, Congress Committee, Pattambi, and the matter was taken up with the General Manager, Southern Railway.

The Southern Railway Administration stated that the request of the Congress Committee could not be complied with, as the traffic offering at the stations was predominantly short distance traffic which could be served by other trains and the stopping of Expresses at such stations would slow down fast trains and defeat the object of running fast trains. This was communicated to the petitioner."

**[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]**

## II.—PRIVILEGE MOTION *RE* DISCLOSURE OF OPINION OF THE GOVERNMENT ON THE QUESTION OF AMENDMENT TO THE CONSTITUTION TO THE GENERAL SECRETARY OF THE ALL-INDIA CONGRESS COMMITTEE WHILE DENYING IT TO THE HOUSE

Mr. SPEAKER :—" The hon. Member, Mr. Narayana Kurup, has given notice of a Privilege Motion which reads as follows :—

**'In view of the fact that in answering starred questions 594, 266 and 654 on 7th December 1954, it has been revealed that the opinion of this Government regarding constitutional amendments has been conveyed to the Central Government by the Hon. the Finance Minister and to the General Secretary of the All-India Congress Committee by the Hon. the Chief Minister allegedly in his private capacity, and which opinion the Government have refused to disclose to the members of the House on the ground of privileged communication, this House feels that a question of the privilege of this House is involved in non-disclosure of the contents of the communication to this House as well as in its disclosure to a third party ; so the House resolves to send the matter to the Committee of Privileges for consideration and report.'**

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Now I shall read the questions and answers under reference, though the House might not have forgotten them. The question was (1) whether the Government were invited by the General Secretary, All-India Congress Committee or by the Central Government to give their opinion on amendments to the Constitution and the answer to it was : ' Yes '; Communications on the subject were received by the Chief Minister from the General Secretary of the All-India Congress Committee and from the Prime Minister of India.

" The next question was ' If so, whether any reply was given '. The answer was ' It will not be in the public interest to disclose the information as it is of a confidential nature.'

" The second question under reference was ' (*a*) whether the State Government have received the proposals of the Union Government for amending the Constitution, and (*b*) if so, the Articles to be amended '. The answer was : ' (*a*) A letter was received by the Chief Minister from the Prime Minister; and (*b*) it will not be in the public interest to disclose the information as it is of a confidential nature '. It will be seen that the Minister has refused to disclose the matter in public interest. I wish to inform the House that he is at perfect liberty to do so.

" Let me now tell the House what are all the things that cannot form the subject-matter of a privilege motion—

1. Disagreement with the ruling of the Speaker cannot be raised as a matter of privilege. This has not happened so far and I hope it will never happen. (Laughter.)

2. Alleged obstruction or disallowance of a question by the Speaker—that is, if the Speaker disallows a question, it cannot be raised as a matter of privilege.

3. Refusal on the part of a Minister to answer a question in public interest cannot be raised as a matter of privilege.

" Apart from these, I shall place before the House certain points for consideration in this connection. These occur in May's—

' A Minister of the Crown is not at liberty to read or quote from a despatch or any other State paper, not before the House, unless he is prepared to lay it upon the table. This restraint is similar to the rule of evidence in courts of law which prevents counsel from citing documents which have not been produced in evidence. The principle is so reasonable that it has not been contested and when objection has been made in time, it has been generally acquiesced in. It has also been admitted that a document which has been cited, ought to be laid upon the table of the House, if it can be done without injury to the public interest . . ."

The Minister here has said that in public interest he cannot disclose the correspondence. And it goes on :

' . . . A Minister who summarises a correspondence, but does not actually quote from it, is not bound to lay it upon the table. The rule for the laying of cited documents cannot be held to apply to private letters or memoranda.'

Again, on the 10th August 1893, the Speaker of the House of Commons ruled that confidential documents or documents of a private nature, passing between the officers of a Department and the Department, cited in debate are not necessarily laid on the table of the House, especially if the Minister declares that they are of a confidential nature. Indeed, it is obvious that, as the House deals only with public documents in its proceedings, it could not thus incidentally require the production of papers which, if moved for separately, would be refused as beyond its jurisdiction.

"I have placed these points before the House and I shall take up the question to-morrow for a ruling."

SRI M. NARAYANA KURUP :—" I want to say one thing. The answers read by you, Sir, were incomplete."

MR. SPEAKER :—" No. It is not incomplete. It is here. The hon. Member can have a copy of it and see. He may refer to it if he wants. It is quite complete."

12 noon. * SRI M. NARAYANA KURUP :—" The question depends upon the answer given to the main question as well as to the supplementaries. While giving answer to the starred question he said 'yes, a communication was sent to the Prime Minister'. He did not say at the first instance that he would refuse to answer. When I had put a supplementary, the Hon. Finance Minister replied that a communication was sent to the Prime Minister by him as representing the Government. He also said while answering to another supplementary that Sri Kamaraj Nadar, Chief Minister, had written to the Secretary, All-India Congress Committee in his personal capacity and that he was not aware of its contents. On my asking under what rule or authority the Hon. Finance Minister refused to disclose the contents of the reply sent to the Government of India while the Secretary, A.I.C.C., had been informed the Hon. Finance Minister replied that it would not be in the public interests to disclose the contents since the same was of a confidential nature. Therefore I request that the main answers as well as the answers to the supplementaries to questions 91 to 93 may kindly be circulated to all hon. Members. Then only they will have a clear idea of what had transpired in the House yesterday."

MR. SPEAKER :—" Whatever that might be, I must go through the proceedings. That is why I say I will take up this question to-morrow."

* SRI S. SWAYAMPRAKASAM :—" Mr. Speaker, you have been good enough to read several passages from May's Parliamentary Practice as to the method of answering questions and when questions of privilege are involved. We all understand that. But here the subject-matter involved is a special question of privilege

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wherein Government say that a communication which they have sent both to the Union Government as well as to the Secretary, All-India Congress Committee, a private body is one of confidential nature and as such would not be disclosed to the House for the sake of public interest. What I say is when the communication has been sent to a private body, why can't this House be apprised of it and how can that be a confidential document? We can understand confidential communications between the State Government and the Central Government. But Government cannot claim confidence when they had sent a communication to a private body, viz., the Secretary, All-India Congress Committee, and at the same time claim that the same is a confidential document which cannot be disclosed to the House. That is why I say a breach of privilege of this House has been committed."

MR. SPEAKER :—" We will take up the question to-morrow when I will explain to hon. Members when and how a breach of privilege of the House is said to have been committed."

SRI M. KALYANASUNDRAM :—" I have also given notice of a privilege motion."

MR. SPEAKER :—" I will take it up to-morrow."

SRI M. KALYANASUNDRAM :—" Because the present question of privilege would be taken up to-morrow, on that account I do not want that my privilege motion should be postponed."

MR. SPEAKER :—" I will take up the privilege motion of the hon. Member as soon as the present privilege motion given notice of by Sri M. Narayana Kurup is over.

" We shall take up the next item in the Agenda. The Hon. Minister for Finance will now reply. Before that let the Hon. Leader of the House move the motion under Rule 24 of the Assembly Rules."

### III.—GOVERNMENT MOTION.

#### MOTION UNDER RULE 24 OF THE ASSEMBLY RULES.

THE HON. SRI C. SUBRAMANIAM :—" Sir, I move—

> '*That rule 24 of the Assembly Rules be suspended and the House do resolve to transact Government Business on Thursday, the 9th December 1954*'.

It is because we would be taking up the consideration of the Assembly Rules to-day and it has been agreed amongst us, I mean the party leaders, that it should be continued to-morrow also. We shall have non-official business on Friday. Therefore we shall transact Government business to-morrow."